IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24220 of 2004

Between:

Syed Shamsuddin Quadri, s/o Late S.A. Rasheed Quadri,
r/o H.No. 6-3-248, Road No.1, Banjara Hills, Hyderabad.

..... PETITIONER

AND

1. The Station House Officer, Panjagutta Polict Station, Hyderabad.
2. The Commisioner of Police, Hyderabad City, Basheer Bagh, Hyderabad.
3. The DeputyCommissioner of Police, West Zone, Hyderabad.
4. The Assistant Commissioner of Police, Punjagutta Division, Hyderahad.

(R2 to R4 are impleaded as per Court Order dated 28-01-2005 in WPMP NO.32738 of 2004)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in not providing Police Protection to the petitioner in respect of property bearing Municipal No. 6-3-248, admeasuring 2200 sq. yards, situated at Road No.1, Banjara Hills, Hyderabad in view of the Judgment & Decree passed in O.S.No. 2812 of 1998 dated 9-6-2003 by the VIII Junior Civil Judge, City Civil Court, Hyderabad as highly illegal and arbitrary.

Counsel for the Petitioner:MR.ABDUL NAJEEB KHAN

Counsel for the Respondent Nos.1 to 4: GP FOR HOME

The Court made the following :

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ORDER:

The petitioner states that his father filed O.S.No.2812 of 1998 in the Court of the VIII Junior Civil Judge, City Civil Court, Hyderabad, for the relief of perpetual injunction, against the defendants therein, in relation to the landed property at Banjara Hills, Hyderabad. He contended that the suit was decreed on 9-6-2003 and that the decree became final. The petitioner contends that after the death of his father, he is continuing his possession and despite the decree, the defendants therein are interfering with the possession over the land. His grievance is that though he approached the respondent/the Station House Officer, Panjagutta Police Station, no action has been taken so far.

Heard learned counsel for the petitioner and the learned Government Pleader for Home.

The petitioner has filed a copy of the judgment and the decree passed in O.S.No.2812 of 1998. If the petitioner is of the view that he is entitled for the benefit of the decree, he has to file Execution Proceedings under Order 21 of C.P.C., in case there is any violation of the decree by the defendants therein. On the other hand, if it becomes necessary for the petitioner to obtain fresh orders in the Civil Court, he has to file another suit. Either way, the respondent cannot be expected to interfere in civil matters.

Hence, the Writ Petition is disposed of, leaving it open to the petitioner to work out his remedies in appropriate civil Court. No costs.

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28th January, 2005

To

1. The Station House Officer, Panjagutta Polict Station, Hyderabad.
2. The Commisioner of Police, Hyderabad City, Basheer Bagh, Hyderabad.
3. The Deputy Commissioner of Police, West Zone, Hyderabad.
4. The Assistant Commissioner of Police, Punjagutta Division, Hyderahad.
5. Two CCs to the Government Pleader for Home, High Court Building,Hyderabad. (OUT).
6. Two C.D. copies.

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